IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22058 of 2004

Between:

B.Chennaiah, S/o.B.Pullaiah,

Aged about 58 years,

5/848, Proddatur Town,

Kadapa District.

..... PETITIONER

AND

1. The Revenue Divisional Officer,

Jammala Madugu,

Kadapa District.

2. The Mandal Revenue Officer,

Proddatur,

Kadapa District.

3. The Joint Collector,

Kadapa.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, more particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent in suspending the authorization of the petitioner as a Fair Price Shop dealer by his proceedings Ref.B/967/2004, dt.9.9.2004 as illegal, arbitrary, unjust and without jurisdiction and consequently direct the respondents to continue the supplies to the petitioner's shop.

Counsel for the Petitioner: MR.D.KODANDARAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The authorization of the petitioner as Fair Price Shop Dealer of ward Nos.4 and 5 of Proddatur Town was suspended by the first respondent through order, dated 09.09.2004. Aggrieved thereby, the petitioner availed the remedy of appeal before the third respondent together with an application for grant of stay. His grievance is that though the appeal is filed long back, no orders, so far, were passed either in the appeal or in the stay petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

On behalf of the petitioner, it is contended that out of 36 Fair Price Shop Dealers in the town of Proddatur, as many as 25 were suspended and that it discloses the political vendetta,_which is being exhibited in the matter. It is also stated that authorizations are being suspended on frivolous and non-existent grounds, purely on political grounds. This Court is not inclined to deal with such contentions at this stage. If the petitioner is able to establish even part of what is contended before this Court, it certainly is a serious matter. Be that as it may, once the petitioner has availed the remedy of appeal before the third respondent under the relevant clause of A.P.State Public Distribution System Control Order, 2001, there does not exist any justification to keep the appeal as well as the stay application pending for months together. Such delay in disposal may defeat the very purpose of appeal.

Hence, the writ petition is disposed of directing that the third respondent shall pass

appropriate orders in the application filed by the petitioner for grant of stay, within two weeks from the date of receipt of this order. There shall be no order as to costs.

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01.12.2004

Jsu

To

1. The Revenue Divisional Officer,

Jammala Madugu,

Kadapa District.

2. The Mandal Revenue Officer,

Proddatur,

Kadapa District.

3. The Joint Collector,

Kadapa.

4. 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T).

5 2 CD copies.